

**REMARKS**

Claims 1-12 are pending in this application. By this Amendment, claims 1, 5-7 and 12 are amended. Support for the subject matter of claims 1, 6, 7 and 12 may be found at least at Fig. 1, and pages 16-20 of the specification. Claim 5 is amended merely to address an informality. No new matter is added. Reconsideration and allowance of the application are respectfully requested.

**I. Allowable Subject Matter**

Applicants thank the Examiner for the indication that claim 5 contains allowable subject matter.

**II. Claim Rejections under 35 U.S.C. §102 and §103**

The Office Action rejects claims 6 and 12 under 35 U.S.C. §102(b) over EP 1286297 A1 (Nakamura); claim 1 under 35 U.S.C. §103(a) over Nakamura in view of U.S. Patent No. 5,760,701 (Mitsumoto); claims 2 and 3 under 35 U.S.C. §103(a) over Nakamura in view of Mitsumoto and further in view of U.S. Patent No. 5,229,648 (Sues); claim 4 under 35 U.S.C. §103(a) over Nakamura in view of Mitsumoto and Sues and further in view of U.S. Patent Application Publication No. 2002/0043566 (Goodman); claim 7 under 35 U.S.C. §103(a) over Nakamura in view of U.S. Patent No. 5,861,816 (Funakoshi); claims 8, 9 and 11 under 35 U.S.C. §103(a) over Nakamura in view of Funakoshi and further in view of U.S. Patent Application Publication No. 2002/0097141 (Denison); and claim 10 under 35 U.S.C. §103(a) over Nakamura in view of Funakoshi and Denison and further in view of Goodman. These rejections are respectfully traversed.

Applicants respectfully submit that the applied references, taken alone or in any combination, do not teach or render obvious "certifying means of an electronic key for starting an engine, the means being for certifying the electronic key based on detection of

approaching detecting means receiving a signal from the electronic key held by a person who intends to start the engine," as recited in each of independent claims 1, 6, 7 and 12.

The Office Action asserts that the applied references teach or render obvious each and every feature of independent claims 1, 6, 7 and 12. Applicants respectfully submit that the applied reference fails to at least teach the approaching detecting means of the presently claimed features. While Nakamura discusses a communicating section 15, see Figs. 1-3a of Nakamura, the communicating section 15 does not teach an approach detection means. Nakamura teaches that if a signal sent from a portable unit is not consistent with the biometrics information of a user, the door stays locked.

With respect to Funakoshi, engine starting is permitted based on ID comparison, and the engine is prevented from starting if the number of non-correspondences reaches a predetermined value. Mitsumoto merely teaches a method for ID registration.

In contrast to the applied references, in the presently claimed invention, although the certifying the electronic key held by a person who intends to get into the vehicle, and confirming human body certification on information is performed, confirming biometrics identification is not implemented in a case where the electronic key having the ID is so that starting the engine, or the like, is permitted with only a single check. That is, once the certifying of the electronic key and human body certification information of the person intending to get into the vehicle is made, and maintained, engine starting is permitted with merely a single certification.

Thus, Nakamura, Funakoshi and Mitsumoto, taken alone or in any combination, do not teach certifying means of an electronic key for starting an engine, the means being for certifying the electronic key based on detection of approaching detecting means receiving a signal from the electronic key held by a person who intends to start the engine.

Claims 2-5 and 8-11 variously depend from claims 1 and 7. Because the applied references fail to anticipate or render obvious the features recited in independent claims 1 and 7, dependent claims 2-5 and 8-11 are patentable for at least the reasons that claims 1 and 7 are patentable, as well as for the additional features they recite.

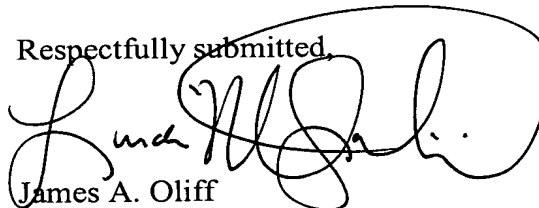
Accordingly, withdrawal of the rejections is respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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